

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:21cr49-MHT
)	(WO)
WILLIAM LEE HOLLADAY, III)	
DEBORAH IRBY HOLLADAY, and)	
WILLIAM RICHARD CARTER, JR.)	

ORDER

At the request of defendants William Lee Holladay, III, Deborah Irby Holladay, and William Richard Carter, Jr., made during conference calls on May 5 and 21, 2021, the court concludes that jury selection and trial, now set for September 13, 2021, should be continued pursuant to 18 U.S.C. § 3161.

While the granting of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within

seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance "would be likely to ... result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant ... the reasonable time necessary for effective preparation, taking into account the exercise of due diligence," § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and all three defendants in a

speedy trial. Defense counsel have advised the court that the discovery in this case is voluminous and that additional time is necessary to review the materials and prepare adequately and effectively for trial. In addition, the government does not oppose the continuance. The court finds that a continuance of the trial is necessary in order to ensure that the parties are fully prepared and able to present their cases effectively.

Accordingly, it is ORDERED that, at the request of defense counsel, made during conference calls on May 5 and 21, 2021, the jury selection and trial for defendants William Lee Holladay, III, Deborah Irby Holladay, and William Richard Carter, Jr., now set for September 13, 2021, are reset for February 7, 2022, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

The United States Magistrate Judge shall conduct a pretrial conference prior to the February trial term.

DONE, this the 21st day of May, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE